

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION
CRIMINAL MINUTES – SENTENCING HEARING**

Case No.: 1:17CR00027-001

Date: 10/2/2019

Defendant: Joel A. Smithers / Custody

Counsel: Donald M. Williams, Jr. / Appointed

PRESENT:	JUDGE:	James P. Jones, USDJ
	Deputy Clerk:	Lottie Lunsford
	Court Reporter:	Donna Prather, OCR
	U. S. Attorney:	Randy Ramseyer, Zachary T. Lee, Samuel Cagle Juhan, AUSA
	USPO:	Angela Sullivan
	Case Agent:	Michael Patrick Long, DEA
	Interpreter:	N/A

TIME IN COURT: 10:30 a. m. - 12:44 p. m; 1:00-1:23 p. m (Time In Court: 2 hours; 37 minutes)

LIST OF WITNESSES

GOVERNMENT:

1. Patrick Long, DEA

DEFENDANT:

1. Dr. Brian Andrew Farah

PROCEEDINGS:

- ☒ Court inquires if there are any remaining Objections to Presentence Report not addressed in the Presentence Report. Defense Counsel objects to the PSI representing that the defendant is not eligible for a downward variance. Court will address.
- ☒ Government presents evidence.
- ☒ Defendant presents evidence .
- Defense asks Dr. Farah be designated as an expert witness. Court so deems.
- ☒ Court adopts Presentence Report.

Court hears from Victim Ramona Hartshorn

- ☒ Defendant Motion for Downward Variance.
 - ☒ Court grants. ☐ Court denies.
- ☒ Allocutions.

SENTENCE IMPOSED AS FOLLOWS:

CBOP: Total term 480 months. This term consists of 240 months on each of Counts 2 through 100, Counts 102 through 297 and Counts 300 through 862, to run concurrently; and a term of 480 months on Counts 298 and 299, to run concurrently.

SR: Three (3) years, consisting of the same term on each count to run concurrently - comply w/Standard, Mandatory & Special Conditions.
☐ Mandatory drug testing suspended.

SA: \$86,000.00 due immediately.

FINE: Waived

REST: N/A

- ☒ Court recommends as follows:
 - ☒ That Defendant receive appropriate mental health treatment and participate in the Residential Drug Treatment Program while imprisoned.
 - ☒ That Defendant be designated to a facility for which he qualifies closest to his home in order to facilitate visits with family members.

SPECIAL CONDITIONS OF SUPERVISION:

- ☒ The defendant shall reside in a residence free of firearms, ammunition, destructive devices and dangerous weapons.
- ☒ The defendant must submit to warrantless search and seizure of person and property by the probation officer or other law enforcement officer, whenever such officer has reasonable suspicion that the defendant is engaged in criminal activity.
- ☒ Following release from imprisonment, the court will evaluate defendant's status and determine whether, after incarceration, drug rehabilitation is necessary and appropriate. If additional rehabilitation is deemed appropriate, the defendant shall participate in a program as designated by the court, upon consultation with the probation officer, until such time as the defendant has satisfied all the requirements of the program.
- ☒ The defendant shall pay any fine, special assessment or restitution that is imposed by this judgment.
- ☒ The defendant shall not purchase, possess, use or administer any alcohol, or frequent any businesses whose primary function is to serve alcoholic beverages.

PAYMENT SCHEDULE:

- ☒ A lump sum payment of \$86,000.00 is due immediately

ADDITIONAL RULINGS:

- ☒ Order of Forfeiture shall be made a part of the judgment in this case.
- ☒ Defendant advised of right to appeal.
- ☒ Defendant remanded to custody.